

Enhanced Emergency Response Medical Protections

OBJECTIVE: To ensure Virginia's continued investment and commitment to the men and women of the Virginia National Guard by offering more robust protections for those SM's injured during State Emergency Response operations.

BACKGROUND:

1. The Virginia National Guard regularly responds to emergencies in the Commonwealth such as hurricanes, floods, fires, civil disturbance, as well as requests from other states for support.
2. In 2017 Virginia sent 465 SM's to the United States Virgin Islands to assist with Hurricane Recovery efforts.
3. In 2023 Virginia will send 121 SM's to the Southwest Border in response to Texas Governor Abbott's request.
4. When SM's are on emergency response duty they do not receive the same level of medical protections as they would on active duty orders (T32 or T10).

DISCUSSION:

1. Injuries during emergency response fall under the Workmen's Comp program which offers less protection.
2. An injured SM may not be able to return to his or her civilian employer after completing emergency response duty.
3. Other states provide protections additional protection to their SM's in the case of an injury such as Florida which keeps SMs on orders for up to 9 months following an injury.

RECOMMENDATION: Allow any injured SMs to remain on emergency service status up to 90 days to resolve a Worker's Comp claim.